

### **Amendments to the Specification:**

Please replace the paragraph beginning on page 3, line 28 with the following paragraph:

Kits will also be available including instrument guides of the invention having various sized lumens and paddle ~~widths~~ heights for corresponding to different implant diameters and disc space heights. The kits can also include boring instruments, taps, depth gauges, distraction plugs, wedge distractors, etc., which may be necessary to perform a procedure according to the invention.

Please insert the following paragraph at page 5, line 1:

FIG. 13 is a topside view of one embodiment of an instrument guide according to the invention;

Please insert the following paragraph at page 5, line 5:

FIG. 15 is an ~~distal end-on~~ view of the distal end of the instrument guide of FIG. 13;

Please insert the following paragraph at page 5, line 9:

FIG. 18 is a topside view of another embodiment of an instrument guide according to the invention[.];

Please insert the following paragraph at page 5, line 11:

FIG. 19 is a side view of another embodiment of an instrument guide according to the invention.

Please replace the paragraph beginning on page 12, line 24 with the following paragraph:

The instrument guide 22 has one or more paddles extending from the distal end 24 (see e.g., FIGS. 13 and 18). In the illustrated embodiment, the instrument guide 22 has two paddles 30 and 31 extending from the distal end 24 of the instrument guide 22. As best appreciated in FIG. 13, the distal edge 32 of wall 25 of instrument guide 22 has an angle  $\alpha$ , relative to a reference line or plane 27 perpendicular to the longitudinal axis A-A, as distal edge 32, otherwise

referred to as the angled shoulder portions or angled portions, extends from paddle 30 to paddle 31 such that the paddles extend beyond the distal edge 32 in the distal direction. The angle  $\alpha$  of distal edge 32 corresponds to the oblique angle at which the implant will be inserted into the disc space as further discussed below. In general, the angle of distal edge 32 can be about 10-30°, typically about 10-25° and, in one preferred embodiment, about 22.5° relative to a reference line perpendicular to the longitudinal axis A-A. Thus, as will be appreciated from the drawings, when paddles 30 and 31 are inserted into disc space DS until distal edge 32 rests against the posterior surface of the vertebrae, longitudinal axis A-A will be oriented at an angle of  $\alpha^\circ$  from the mid-sagittal plane of the vertebrae. In this orientation, instrument guide 22 provides for orientation of all instruments passing through instrument guide 22 to be positioned at the same angle  $\alpha$  relative to the mid-sagittal plane.

Please replace the paragraph beginning on page 13, line 10 with the following paragraph:

In an alternative embodiment shown in FIG. 18, instrument guide 122 includes a proximal end 123, a distal end 124, a wall 125 surrounding a lumen and having a longitudinal axis A-A passing therethrough. The instrument guide 122 has a single paddle 131 extending from the distal end 124. The distal edge 132 of wall 125 of instrument guide 122 has an angle  $\alpha$ , relative to a reference line or plane 127 perpendicular to the longitudinal axis A-A, as distal edge 132 extends from paddle 131 to wall 125. The angle  $\alpha$  of distal edge 132 corresponds to the oblique angle at which the implant will be inserted into the disc space as further discussed below. In general, the angle of distal edge 132 can be about 10-30°, typically about 10-25° and, in one preferred embodiment, about 22.5° relative to longitudinal axis A-A. Thus, as will be appreciated from the drawings, when paddle 131 is inserted into disc space DS until distal edge 132 rests against the posterior surface of the vertebrae, longitudinal axis A-A will be oriented at an angle of  $\alpha^\circ$  from the mid-sagittal plane of the vertebrae. In this orientation, instrument guide 122 provides for orientation of all instruments passing through instrument guide 122 to be positioned at the same angle  $\alpha$  relative to the mid-sagittal plane.

Please replace the paragraphs beginning on page 14, line 13 with the following paragraph:

Paddles 30, 31, 131, and 231 can also have a distal tapered tip, 30a, 31a, 131a, and 231a respectively, to facilitate insertion of paddles 30, 31, 131, and 231 into disc space DS. In addition, paddles 30, 31, 131, and 231 have a width height dimension  $W_H$ . A plurality of instrument guides 22, 122, and/or 222 will be available having width height dimension  $W_H$  in about 1 mm increments to correspond with the disc height established by distraction plugs 5. Ranges of paddle widths suitable for instrument guide 22, 122, 222 according to the invention are about 2 to 20 mm.

The paddle width height dimension  $W_H$  can be equal to or less than the cross-sectional diameter of the lumen 26 of instrument guide 22. Thus, in one embodiment, an instrument guide having a paddle width height dimension  $W_H$  equal to the diameter of the lumen permits passage through the lumen of an implant having a diameter substantially equal to the disc space height formed by the paddle width height dimension  $W_H$ .

In an alternative embodiment, the paddle width height dimension  $W_H$  can be about 1 mm less than the diameter of the body of the implant. This relationship, referred to as "rule of one" distraction, provides for a smaller implant diameter to maintain a greater disc space height. According to the "rule of one," the lumen diameter of an instrument guide will typically be about 3.5 mm greater than the paddle width height dimension  $W_H$ . As an example, for an instrument guide having a paddle width height  $W_H$  of 12 mm, the lumen size of the instrument guide according to the "rule of one" can be calculated as follows. Assuming that the threads of the implant radially extend approximately 1.25 mm beyond the diameter of the body of the implant, an implant having a body diameter of 13 mm, such as a BAK™ 13 mm implant, has an overall diameter across the threads of 15.5 mm (13 mm + 1.25 mm + 1.25 mm). Accordingly, the lumen diameter of the instrument guide will be sized to permit passage of an implant diameter of 15.5 mm. Thus, the difference between the 12 mm paddle width height dimension  $W_H$  and the lumen diameter of the instrument guide is about 3.5 mm. The difference between the 12 mm paddle width height dimension  $W_H$  and the 13 mm body diameter is about 1 mm.

Please replace the paragraph beginning on page 15, line 26 with the following paragraph:

Although the foregoing discussion of the method of the invention emphasizes distraction with a distraction plug prior to insertion of the paddles of instrument guide 22, in an alternative

embodiment, the use of distraction plugs to distract the disc space may be omitted and distraction provided solely by insertion of the paddles of an instrument guide having a ~~width~~ height dimension ~~W~~ H equal to a desired disc space height.